

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

THERESE L. LESHER,

NO. 2:21-cv-00386 WBS DMC

Plaintiff,

v.

CITY OF ANDERSON, et al.,

Defendants.

-----oo0oo-----

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for January 31, 2022, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All defendants have been served, and no further service is permitted without leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b).

1     II.    JOINDER OF PARTIES/AMENDMENTS

2                 No further joinder of parties or amendments to  
3     pleadings will be permitted except with leave of court, good  
4     cause having been shown under Federal Rule of Civil Procedure  
5     16(b).   See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
6     (9th Cir. 1992).

7     III. JURISDICTION/VENUE

8                 Jurisdiction is predicated upon 28 U.S.C. §§ 1331 and  
9     1343(a) because plaintiff asserts a claim under for violation of  
10    constitutional rights under 42 U.S.C. § 1983. Pursuant to 28  
11    U.S.C. § 1367, the court also has jurisdiction over plaintiff's  
12    state law causes of action, which arise from the same course of  
13    conduct as plaintiff's federal claims. Venue is undisputed and  
14    hereby found to be proper.

15    IV.   DISCOVERY

16                The parties have already served the initial disclosures  
17    required by Federal Rule of Civil Procedure 26(a)(1).

18                The parties shall disclose experts and produce reports  
19    in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
20    later than February 15, 2023. With regard to expert testimony  
21    intended solely for rebuttal, those experts shall be disclosed  
22    and reports produced in accordance with Federal Rule of Civil  
23    Procedure 26(a)(2) on or before March 16, 2023.

24                All discovery, including depositions for preservation  
25    of testimony, is left open, save and except that it shall be so  
26    conducted as to be completed by April 19, 2023. The word  
27    "completed" means that all discovery shall have been conducted so  
28    that all depositions have been taken and any disputes relevant to

1 discovery shall have been resolved by appropriate order if  
2 necessary and, where discovery has been ordered, the order has  
3 been obeyed. All motions to compel discovery must be noticed on  
4 the magistrate judge's calendar in accordance with the local  
5 rules of this court and so that such motions may be heard (and  
6 any resulting orders obeyed) not later than April 19, 2023.

7 V. MOTION HEARING SCHEDULE

8 All motions, except motions for continuances, temporary  
9 restraining orders, or other emergency applications, shall be  
10 filed on or before May 15, 2023. All motions shall be noticed  
11 for the next available hearing date. Counsel are cautioned to  
12 refer to the local rules regarding the requirements for noticing  
13 and opposing such motions on the court's regularly scheduled law  
14 and motion calendar.

15 VI. FINAL PRETRIAL CONFERENCE

16 The Final Pretrial Conference is set for July 31, 2023,  
17 at 1:30 p.m. in Courtroom No. 5. The conference shall be  
18 attended by at least one of the attorneys who will conduct the  
19 trial for each of the parties and by any unrepresented parties.

20 Counsel for all parties are to be fully prepared for  
21 trial at the time of the Pretrial Conference, with no matters  
22 remaining to be accomplished except production of witnesses for  
23 oral testimony. Counsel shall file separate pretrial statements,  
24 and are referred to Local Rules 281 and 282 relating to the  
25 contents of and time for filing those statements. In addition to  
26 those subjects listed in Local Rule 281(b), the parties are to  
27 provide the court with: (1) a plain, concise statement which  
28 identifies every non-discovery motion which has been made to the

1 court, and its resolution; (2) a list of the remaining claims as  
2 against each defendant; and (3) the estimated number of trial  
3 days.

4 In providing the plain, concise statements of  
5 undisputed facts and disputed factual issues contemplated by  
6 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims  
7 that remain at issue, and any remaining affirmatively pled  
8 defenses thereto. If the case is to be tried to a jury, the  
9 parties shall also prepare a succinct statement of the case,  
10 which is appropriate for the court to read to the jury.

11 VII. TRIAL SETTING

12 The jury trial is set for September 6, 2023, at 9:00  
13 a.m. The parties estimate that the trial will last five to eight  
14 days.

15 VIII. SETTLEMENT CONFERENCE

16 A Settlement Conference will be set at the time of the  
17 Pretrial Conference. All parties should be prepared to advise  
18 the court whether they will stipulate to the trial judge acting  
19 as settlement judge and waive disqualification by virtue thereof.


20 Counsel are instructed to have a principal with full  
21 settlement authority present at the Settlement Conference or to  
22 be fully authorized to settle the matter on any terms. At least  
23 seven calendar days before the Settlement Conference counsel for  
24 each party shall submit a confidential Settlement Conference  
25 Statement for review by the settlement judge. If the settlement  
26 judge is not the trial judge, the Settlement Conference  
27 Statements shall not be filed and will not otherwise be disclosed  
28 to the trial judge.

IX. MODIFICATIONS TO SCHEDULING ORDER

Any requests to modify the dates or terms of this Scheduling Order, except requests to change the date of the trial, may be heard and decided by the assigned Magistrate Judge. All requests to change the trial date shall be heard and decided only by the undersigned judge.

IT IS SO ORDERED.

Dated: January 25, 2022

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE